

REMARKS

In response to the Office Action mailed on August 11, 2005, Applicants respectfully requests reconsideration. Claims 1-18, 21-38 and 41-42 are now pending in this Application. Claims 1, 12, 21, 32, 41 and 42 are independent claims and the remaining claims are dependent claims. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 1-6, 8-11, 18, 21-31 and 32-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,496,867 to Besser at al. (hereinafter Besser) in view of U.S. Patent No. 6,292,839 to Naudus et al. (hereinafter Naudus).

Besser discloses a method for initiating a tunnel association in a data network which includes negotiating private addresses for the ends of the tunneling association. Naudus discloses a method and system for reflexive tunneling using hidden virtual tunnels.

Regarding claim 1, the Examiner stated that Besser discloses the steps of detecting an initial request, identifying the request as a candidate to be converted to a tunneling request and forwarding the tunneling request towards an end tunneling device.

Claim 1 recites that the step of identifying comprises identifying the initial request as a candidate to be converted to a tunneling request. Thus, the initial request is not a tunneling request but can be converted into a tunneling request if certain criteria are met. Besser discloses receiving a tunneling request (e.g. Figure 4, column 7, lines 62-67 through column 8, lines 1-20), not a request which may be a candidate to be converted into a tunneling request. Obviously, if a tunneling request is received, there is no need to determine whether the request is a candidate to be converted to a tunneling request, since it is already a tunneling request. Therefore Besser fails to disclose or suggest identifying an initial request as a candidate to be converted into a tunneling request.

In the "RESPONSE TO ARGUMENT" section on page 10 of the Office action, the Examiner stated that "[T]he combination of Besser and Naudus does not disclose identifying an initial request to be a tunneling request". Claim 1 recites identifying an initial request **as a candidate to be converted** into a tunneling request. The Examiner further states that Besser recites "...receiving a request to initiate the tunneling association, if the request is to initiate the tunneling association, then it is the candidate to be converted into a tunneling request". Applicants respectfully disagree with this statement. If a request to initiate a tunneling association is received, then the request is already a tunneling request, and there is no need or reason to **convert** the tunneling association request to a tunneling request since it is already a tunneling request.

Naudus also fails to disclose or suggest the step of identifying an initial request as a candidate to be converted to a tunneling request. Accordingly, since neither Besser nor Naudus, taken alone or in combination, disclose or suggest identifying an initial request as a candidate to be converted into a tunneling request, while claim 1 recites such, claim 1 is believed allowable over Besser and Naudus. Claims 21, 32, 41 and 42 include similar language as claim 1, and are also believed allowable for the same reasons claim 1 is believed allowable. Claims 2-6 and 8-11 depend from claim 1, claims 22-31 depend from claim 21, claims 33-38 depend from claim 32 and all are believed allowable as they depend from a base claim which is believed allowable.

Regarding claim 18, the Examiner stated that it is rejected for the same rationale as claims 13, 14 and 17. Claims 13, 14 and 17 were not rejected under 35 U.S.C. §103(a) as being unpatentable over Besser in view of Naudus, therefore the rejection of claim 18 under 35 U.S.C. §103(a) as being unpatentable over Besser in view of Naudus, is not understood. Claim 18 is believed allowable.

Claims 12-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Naudus in view of U.S. Patent No. 6,675,225 to Genty (hereinafter Genty)., Regarding claim 12, the Examiner stated that Naudus

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discloses "...identifying the tunneling request as a candidate to be an initial request to be converted to an initial request". Applicants do not understand how or why an initial request would be converted to an initial request, since it is already an initial request, or how this applies to claim 12. Claim 12 recites that the step of identifying comprises identifying the tunneling request as a candidate to be converted to an initial request. Thus, the tunneling request is not an initial request but can be converted into an initial request if certain criteria are met

Accordingly, since neither Naudus nor Genty, taken alone or in combination, disclose or suggest identifying a tunneling request as a candidate to be converted into an initial request, while claim 12 recites such, claim 12 is believed allowable over Naudus and Genty. Claims 13-15 depend from claim 12, and are believed allowable as they depend from a base claim which is believed allowable.

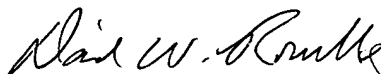
Claims 6, 7 and 17 were rejected under 35 U.S.C. §103 as being unpatentable over various combinations of Naudus, Genty, Besser and U.S. Patent No. 6,557,037 to Provino (hereinafter Provino). Claims 6, 7 and 17 depend from claim 1 or 12 and are believed allowable as they depend from a base claim which is believed allowable.

In view of the above, the Examiner's rejections are believed to have been overcome, placing claims 1-18, 21-38, 41 and 42 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

If the U.S. Patent and Trademark Office deems a fee necessary, this fee may be charged to the account of the undersigned, Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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